

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

V.

C. J. MERRITT, *et al.*

### Defendants.

Case No. C07-5482 BHS/KLS

**ORDER TERMINATING  
PLAINTIFF'S MOTION FOR  
TEMPORARY RELIEF**

Before the Court is Plaintiff's motion for preliminary injunction, which was noted by the Clerk for December 28, 2007. (Dkt. # 10). Plaintiff's motion was originally filed prior to the time he paid the filing fee in this matter and before his civil rights Complaint was filed in this case. (Dkt. # 9). Plaintiff has now paid the filing fee and has been ordered to effect service of the summons and complaint. (Dkt. # 13). Accordingly, the Court finds that no action should be taken on Plaintiff's motion for preliminary injunction until Defendants have been properly served with the Complaint and Plaintiff's motion.

Accordingly, it is **ORDERED**:

(1) Plaintiff's motion for preliminary injunction (Dkt. # 10) is terminated; after Defendants have been served with the Complaint and appeared of record, Plaintiff may file, serve ORDER - 1

1 and re-note the motion in accordance with the Rules governing filing and serving of motions; and

2 (2) The Clerk of the Court shall send a copy of this Order to Plaintiff.

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4 DATED this 24th day of January, 2008.

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Karen L. Strombom  
United States Magistrate Judge